

REMARKS

New Claims 24, 25 and 26 have been added. New Claim 24 includes all the limitations of previous claims 1 and 2. Claim 3 which was originally dependent upon Claim 2 is now dependent upon new Claim 24. New Claim 25 includes all the limitations of previous Claims 21 and 22. New Claim 26 includes all the limitations of previous CI aims 21 and 23.

The Drawings have been objected to under 37 CFR 1.83(a). The Examiner indicated that Drawings did not show the "line terminal" and the "load terminal", which are called for in the Claims. The Applicants' attorney respectfully calls the Examiner's attention to Figure 4 of the Drawings, the left portion thereof where the "line terminal" is shown on the top and the "load terminal" is shown on the bottom. Consequently, withdrawal of the aforementioned objection is respectfully requested.

The Specification has been amended on Page 1, lines 5 through 8 to add the U.S. Patent number of an issued patent.

Reconsideration of the rejections and objections made in the Examiner's latest Office Action and allowance of all the claims remaining in this application as amended is respectfully requested.

Claims 1, 4 through 10 and 21 had been rejected under 35 USC 103(a) as being unpatentable over Shvach et al., hereinafter Shvach, in view of prior art disclosed by the Applicants in Figure 1, hereinafter Prior Art. The Applicant's attorney respectfully submits that Claim 1 and 2 through 11, which depend there upon; Claim 21, and Claims 22 and 23 which depend there upon, patentable distinguish over the Shvach reference combined with the Prior Art. All of the aforementioned claims include as elements thereof: a housing, separable contacts, an operating mechanism for opening the contacts, and first and second trip mechanisms. The first trip mechanism has a resistor and the second trip mechanism engages the body of the resistor, cooperating with the operating mechanism to trip open the separable contacts in response to the body of the resistor burning open. This combination of construction features is neither directly taught nor obvious in view of either the Prior Art or the reference to Shvach or any combination of the Prior Art and the reference to Shvach. Nowhere in either the Prior Art or Shvach is there a teaching or suggestion of having a resistor in a first trip mechanism which interacts with a second trip mechanism to cause the operating mechanism to trip in response to the body of the resistor burning open.

The Examiner indicates that official notices taken with regard to the resistor having a

body that burns open in response to a failure of separable contacts to trip open is well known in the art. If such a concept is well known then, the Examiner should be able to find art in the public domain which teaches such a concept and which is consistent with the present invention. The advantage that the present invention has over the prior art lies in the fact that, a second stage of protection is provided in the event that the first stage of protection fails.

The Applicants' attorney has reviewed the additional references to Kim et al., Pick et al., Kussy and Runyan which were cited as being relevant to the present invention but not applied to reject any claim in this application, and respectfully submits that these references either alone or in combination do not operate to preclude the allowance of any claim remaining in this application after amendment.

The Examiner has indicated that Pick et al., and Kussy disclosed resistors associated with a circuit interrupter design to burn out above preselected amperage. The Applicants' attorney respectfully submits that there is no teaching or suggestion in Pick et al., of a resistor designed to burn out. In Pick et al., it is a **fuse** which is designed to burn out. In Kussy, thought a resistor is taught which may does burn out, ***the burning out of the resistor does not cause a second trip mechanism engaging that resistor to cooperate with an operating mechanism to trip open separable contacts.*** As a matter of fact, the invention to Kussy works opposite of the claimed invention. If the fusible element 23 of Kussy burns out, the current flowing there through takes a parallel path through resistor 26. This current is apportioned so that a current of approximately 13 times the FLMC continues to flow, so that a magnetic trip means, through which it also flows, will cause a circuit breaker to trip open. If this action does not open the circuit interrupter, then eventually the resistor 26 will be destroyed. However, it is the destruction of the resistor, which causes the current to cease. The circuit breaker contacts are not directly opened by its destruction.

Reconsideration of the rejection of the claims remaining in this application after amendment and allowance thereof is respectfully requested.



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